UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/49/930
S/1995/525
29 June 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 39
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 29 June 1995 from the Chargé d'affaires, a.i. of the Permanent Mission of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to present to you the attached letter, dated 26 June 1995, from H.E. Mr. Kresimir Zubak, President of the Federation of Bosnia and Herzegovina, addressed to you.

May I ask for your kind assistance in circulating this letter as a document of the General Assembly under agenda item 39, and of the Security Council.

(Signed) Ivan Z. MISIC
Chargé d'affaires, a.i.

95-19538 (E) 300695 030795

/...

Annex

Letter dated 26 June 1995 from the President of the Federation of Bosnia and Herzegovina addressed to the Secretary-General

Please allow me this opportunity, as President of the Federation of Bosnia and Herzegovina, to express my deepest concern to you about the continuing and evident interference of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the internal affairs of Bosnia and Herzegovina, as well as its active participation in the serial aggression against an internationally recognized country and a State Member of the United Nations.

According to reports from the field, news agencies, United Nations military observers as well as European Union observers, Yugoslav authorities have over the past few weeks been transporting troops and delivering military equipment onto the territory of Bosnia and Herzegovina. The statements of Yugoslav military officials lead to the conclusion that these activities are coordinated and conducted in concert with the political authorities in Belgrade.

Allow me to remind you that massive violations of international humanitarian law and of conventions about the status of refugees and displaced persons occur regularly in Yugoslavia, particularly in the context of State-sponsored forced conscription of young male refugees and displaced persons from Bosnia and Herzegovina. The active participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in and its support of aggression against the sovereign and independent State of Bosnia and Herzegovina is impermissible.

I must insist that the Organization that you are at the head of is obliged consistently to respect its own resolutions decided at the highest levels. Further indolence and ineffective engagement will lead to an escalation of the conflict with crushing consequences for the people of Bosnia and Herzegovina as well as for the credibility of the United Nations as a whole.

As a representative of the legal and legitimate authority of Bosnia and Herzegovina, I request your urgent intervention. Stalling only reduces the possibility for the resumption of the political process in the context of the Contact Group plan and all other peace initiatives of the international community.

We expect your organization consistently to respect all relevant resolutions of the Security Council and to define precisely the mandate of the United Nations Protection Force (UNPROFOR) and the additional rapid reaction force in Bosnia and Herzegovina.

Above all, I feel that there is a crucial need to increase pressure on Yugoslavia (Serbia and Montenegro), as well as for the strict enforcement of economic sanctions and their eventual tightening in the event of the continuation of such practices.

Kresimir ZUBAK

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/49/931
S/1995/527
29 June 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS: ELECTION OF A MEMBER OF THE INTERNATIONAL COURT OF JUSTICE

SECURITY COUNCIL
Fiftieth year

Memorandum by the Secretary-General

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 6	2
II.	COMPOSITION OF THE INTERNATIONAL COURT OF JUSTICE	7	3
III.	PROCEDURE IN THE GENERAL ASSEMBLY AND IN THE SECURITY COUNCIL	8 - 21	3

95-19609 (E) 030795

I. INTRODUCTION

1. By a letter dated 27 February 1995, the President of the International Court of Justice, pursuant to Article 13, paragraph 4, of the Statute of the Court, transmitted to the Secretary-General, Judge Sir Robert Yewdall Jennings' letter of resignation dated 15 February 1995. In his letter, Sir Robert Jennings gave notice of resignation as a member of the Court, the resignation to take effect on 10 July 1995. Thus, a vacancy in the Court will occur on 10 July 1995.

2. Judge Sir Robert Jennings became a member of the Court on 6 February 1982 and was re-elected as from 6 February 1991. His term of office would have ended on 5 February 2000. According to Article 14 of the Statute of the Court, the vacancy shall be filled by the same method as that laid down for the regular election and the Secretary-General shall, within one month of the occurrence of the vacancy, issue the invitations for nominations provided for in Article 5. According to Article 5, the invitations for nomination have to be made at least three months before the date of the election which is, pursuant to Article 14, to be fixed by the Security Council.

3. By a note dated 20 March 1995 addressed to the Security Council, the Secretary-General referred to Judge Sir Robert Yewdall Jennings' letter of resignation and drew its attention to Article 14 of the Statute of the Court regarding fixing the date of the election to fill the vacancy in the International Court of Justice (S/1995/209). Pursuant to article 14 of the Statute of the Court, the Security Council decided by resolution 980 (1995) of 22 March 1995 that the election to fill the vacancy should take place on 12 July 1995, at a meeting of the Security Council and at a meeting of the General Assembly at its forty-ninth session. The General Assembly at its 99th meeting, held on 31 March 1995, decided to reopen consideration of agenda item 15 (c) (A/49/861 and A/49/PV.99).

4. Pursuant to Article 5, paragraph 1, of the Statute of the Court, the Secretary-General, in a communication dated 3 April 1995, invited the national groups of States parties to the Statute of the Court to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 21 June 1995. A list of the nominations received by that date and the curriculum vitae of the candidates received are transmitted in separate documents to the General Assembly and the Security Council (A/49/932-S/1995/528 and A/49/933-S/1995/529, respectively). The name of the candidate will appear on the ballot papers to be distributed during the election.

5. Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of the predecessor's term. The member elected to replace Judge Sir Robert Yewdall Jennings will thus serve until 5 February 2000.

6. The present composition of the Court and the procedure in the General Assembly and the Security Council for filling the vacancy are described below.

II. COMPOSITION OF THE INTERNATIONAL COURT OF JUSTICE

7. The present composition of the International Court of Justice is as follows:

President: Mr. Mohammed Bedjaoui (Algeria)*

Vice-President: Mr. Stephen M. Schwebel (United States)*

Judges: Shigeru Oda (Japan)**
Robert Yewdall Jennings (United Kingdom of Great Britain and Northern Ireland)***
Gilbert Guillaume (France)***
Mohammed Shahabuddeen (Guyana)*
Andrés Aguilar Mawdsley (Venezuela)***
Christopher Weeramantry (Sri Lanka)***
Raymond Ranjeva (Madagascar)***
Geza Herczegh (Hungary)**
Shi Jiuyong (China)**
Carl-August Fleischhauer (Germany)**
Abdul G. Koroma (Sierra Leone)**
Vladlen S. Vereshchetin (Russian Federation)*
Luigi Ferrari Bravo (Italy)* 1/

---

* Term of office expires on 5 February 1997.

** Term of office expires on 5 February 2003.

*** Term of office expires on 5 February 2000.

III. PROCEDURE IN THE GENERAL ASSEMBLY AND IN THE SECURITY COUNCIL

8. The election will take place in accordance with the following provisions:

(a) The Statute of the Court, in particular Articles 2 to 4, 7 to 12 and 14;

(b) Rules 150 and 151 of the rules of procedure of the General Assembly;

(c) Rules 40 and 61 of the provisional rules of procedure of the Security Council.

1/ Elected by the General Assembly and the Security Council on 21 June 1995 to serve the remainder of Judge Ago's term of office.

9. In accordance with General Assembly resolution 264 (III) of 8 October 1948, Nauru and Switzerland, which are parties to the Statute of the Court but not Members of the United Nations, have been invited to participate in the General Assembly in electing members of the Court in the same manner as the States Members of the United Nations.

10. On the date of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect a member of the Court to fill the vacancy (Art. 8 of the Statute).

11. According to Article 2 of the Statute, judges are to be elected, regardless of their nationality, from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

12. The candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council will be considered as elected (Art. 10, para. 1, of the Statute).

13. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors. The electors in the General Assembly are all the Member States, together with the two non-member States mentioned in paragraph 9 above that are parties to the Statute of the Court. Accordingly, as at the date of the present memorandum, 94 votes constitute an absolute majority in the Assembly for the purpose of the Court election.

14. In the Security Council, eight votes constitute an absolute majority and no distinction is made between permanent and non-permanent members of the Council (Art. 10, para. 2, of the Statute).

15. Only those candidates whose names appear on the ballot papers are eligible for election. The electors in the General Assembly and in the Security Council will indicate the candidate for whom they wish to vote by placing a cross against the name on the ballot paper. Each elector may vote for only one candidate.

16. At the 915th plenary meeting of the General Assembly, on 16 November 1960, a procedural discussion took place as to whether rule 94 (then rule 96) of the rules of procedure of the Assembly should be applied in elections to the International Court of Justice. That rule lays down a procedure for restricted ballots in the event that, after the first ballot, the requisite number of candidates have not obtained the required majority. The Assembly decided that the rule did not apply to elections to the Court and it proceeded to elect the requisite number of candidates by a series of unrestricted ballots. This decision has been followed consistently.

17. If in the first ballot in either the General Assembly or the Security Council no candidate receives an absolute majority, a second ballot will be held and balloting will continue in the same meeting until a candidate has obtained the required majority (rule 151 of the rules of procedure of the Assembly and rule 61 of the provisional rules of procedure of the Council).

18. Cases have arisen in the Security Council in which more than the required number of candidates have obtained an absolute majority on the same ballot. The practice followed by the Council has been to hold a new vote on all the candidates, and the President of the Council made no notification to the President of the General Assembly until only the required number of candidates, and no more, had obtained an absolute majority in the Council.

19. When a candidate has obtained the required majority in one of the organs, the President of that organ will notify the President of the other organ of the name of that candidate Such notification is not communicated by the President of the second organ to the members until that organ has itself given a candidate the required majority of votes.

20. If, upon comparison of the name of the candidate so selected by the General Assembly and by the Security Council, it is found that the result is different, the Assembly and the Council will proceed, again independently of one another, in a second meeting and, if necessary, a third meeting, to elect one candidate by further ballots, the results again being compared after one candidate has obtained an absolute majority in each organ. If necessary the above procedure will be repeated until the General Assembly and the Security Council have given an absolute majority of votes to the same candidate.

21. If, however, after the third meeting the vacancy still remains unfilled, the special procedure set out in Article 12 of the Statute of the Court may be resorted to at the request of either the General Assembly or the Security Council.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/49/932
S/1995/528
29 June 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS: ELECTION OF A MEMBER OF THE INTERNATIONAL COURT OF JUSTICE

SECURITY COUNCIL
Fiftieth year

List of candidates nominated by national groups

Note by the Secretary-General

1. By a communication dated 3 April 1995, addressed to States parties to the Statute of the International Court of Justice, the Secretary-General drew attention to the resignation of Judge Sir Robert Yewdall Jennings (United Kingdom of Great Britain and Northern Ireland) taking effect on 10 July 1995, which will result in a vacancy in the Court. In the same communication, the Secretary-General, in accordance with Article 5, paragraph 1, of the Statute of the Court, invited the national groups of States parties to the Statute to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 21 June 1995.

2. In accordance with Article 7 of the Statute of the Court, the Secretary-General has the honour to submit to the General Assembly and to the Security Council the name of the candidate thus nominated by the national groups (see annex).

3. The composition of the Court and the voting procedure to be followed in the General Assembly and in the Security Council are contained in a memorandum by the Secretary-General issued as document A/49/931-S/1995/527. The curriculum vitae of the candidate appears in document A/49/933-S/1995/529.

Annex

List of candidates nominated by national groups

Name and nationality	Nominated by the national group of
Rosalyn Higgins (United Kingdom of Great Britain and Northern Ireland)	Austria
	Belgium
	Canada
	China
	Ecuador
	France
	Germany
	Hungary
	India
	Italy
	Japan
	Netherlands
	New Zealand
	Poland
	Russian Federation
	Slovakia
	Sweden
	United Kingdom of Great Britain and Northern Ireland
	United States of America

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/49/933
S/1995/529
29 June 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 15 (c)
ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS: ELECTION OF A MEMBER OF THE INTERNATIONAL COURT OF JUSTICE

SECURITY COUNCIL
Fiftieth year

Curriculum vitae of candidate nominated by national groups

Note by the Secretary-General

CONTENTS

		Page
I.	INTRODUCTION	2
II.	CURRICULUM VITAE	2
	HIGGINS, Rosalyn	2

95-19615 (E) 030795 060795

I. INTRODUCTION

The Secretary-General has the honour to submit to the General Assembly and to the Security Council the curriculum vitae of the candidate nominated by the national groups for the election to fill a casual vacancy in the International Court of Justice caused by the resignation of Judge Sir Robert Yewdall Jennings (United Kingdom of Great Britain and Northern Ireland). The name of the candidate nominated for this election has been circulated in document A/49/932-S/1995/528. The composition of the Court and the voting procedures to be followed in the General Assembly and in the Security Council are contained in a memorandum by the Secretary-General issued as document A/49/931-S/1995/527.

II. CURRICULUM VITAE

Rosalyn HIGGINS QC

1. Personal

Born 1937; married; one daughter, one son

2. Education

BA (Cantab) 1st Class	1959
LL.B (Cantab) 1st Class	1962
JSD (Yale)	1962
MA (Cantab)	1962
Minor Scholar, Girton College, Cambridge	1957
Major Scholar, Girton College, Cambridge	1958
Campbell Scholarship for Professional Studies	1957
Montefiore Award for academic and general distinction	1958
Bryce-Tebbs Scholar, Cambridge	1958
Commonwealth Fund (Harkness) Fellowship	1959-1961
Graduate Fellow, Yale Law School	1959-1961

3. Brief career résumé

Professor of International Law, University of London	1981-present
Professor of International Law, University of Kent at Canterbury	1978-1981
Visiting Fellow, London School of Economics	1974-1978
Staff specialist in international law, Royal Institute of International Affairs	1963-1974
Junior Fellow in international studies, London School of Economics	1961-1963
Visiting Fellow, Brookings Institution, Washington, D.C.	1960
United Kingdom interne, Office of Legal Affairs, United Nations	1958

Delivered general course on international law at the Hague Academy of International Law	1991
Queen's Counsel	1986
Bencher, Inner Temple	1989
Member, Institut de droit international	1987
Member, Committee on Human Rights under the International Covenant on Civil and Political Rights	1984-present
Special Rapporteur for new cases	1989-1991
Chairman, Public International Law Advisory Board, British Institute for International and Comparative Law	1992-present
Hon. Vice-President of the American Society of International Law	1993

4. Prizes and awards

Rockefeller Foundation Fellowship	1961
British Academy Award	1977-1978
Vols. I and II of United Nations Peacekeeping, received the 1971 Certificate of Merit of the American Society of International Law	
Honorary Doctorate of University of Paris XI	1980
Wolfgang Friedman Medal for services to International Law, Colombia University	1985
Ordre des Palmes Académiques	1988
Honorary Life Membership Award, American Society of International Law	1992
Honorary Doctorate of University of Dundee	1992

5. Editorial

Board of Editors of the American Journal of International Law (1975-1985)
British Yearbook of International Law
Journal of Energy and Natural Resources Law

6. Practice in international law

Queen's Counsel and Bencher of the Inner Temple, practising in public international law and petroleum law. Practice in the English courts and before various international tribunals, including the International Court of Justice, the European Court of Human Rights and the Court of the European Communities

Counsel for the International Tin Council in a series of cases in the United Kingdom

Counsel in the following cases in the International Court of Justice:

Territorial Dispute (Libyan Arab Jamahiriya/Chad)
Case Concerning East Timor (Portugal v Australia)

Question of Interpretation and Application of the 1971 Montreal Convention arising from the aerial incident at Lockerbie (Libyan Arab Jamahiriya v United Kingdom)
Case concerning the Gabcicovo-Nagymaros Project (Hungary/Slovakia)

President, Tribunal of the International Centre for Settlement of Investment Disputes (Amco v Indonesia). Award published in 89 ILR 552-661

6. Publications

(a) Books

The Development of International Law through the Political Organs of the United Nations (Oxford University Press (OUP) for the Royal Institute of International Affairs (RIIA), 1963)

Conflict of Interests: International Law in a Divided World (Bodley Head, 1965

The Administration of the United Kingdom Foreign Policy through the United Nations (Syracuse University Press, 1966)

UN Peacekeeping: Documents and Commentary

Vol. I Middle East (OUP for RIIA, 1969)
Vol. II Asia (OUP for RIIA, 1970)
Vol. III Africa (OUP for RIIA, 1980)
Vol. IV Europe (OUP for RIIA, 1981)

Law in Movement - Essays in Memory of John McMahon (joint ed. with James Fawcett) (OUP for RIIA, 1974)

The Taking of Property by the State, Hague Lectures in International Law (1983)

Liberté de Circulation des Personnes en Droit International (joint ed. with Maurice Flory) (Economica, Paris, 1988)

International Law and the Avoidance, Containment and Resolution of Disputes, (General Course on Public International Law, Recueil des cours, vol. 230 (1991-V)

Problems and Process: International Law and How We Use It (OUP, 1994)

(b) Other writings

(i) International legal theory

"Policy Considerations and the International Judicial Process", International and Comparative Law Quarterly (January 1968)

"Policy and Impartiality: The Uneasy Relationship in International Law", International Organisation, vol. XXXIII (1969)

"The UN and Lawmaking: The Political Organs", Paper, Proceedings, American Society of International Law (1970)

"Divergent Anglo-American Attitudes to International Law", Georgia Journal of International Law (Spring 1972)

"Authority and Control - Trends in the Literature of International Law and International Relations" (Towards World Order and Human Dignity, Essays in Honour of Myres McDougal, eds. Weston and Reisman, 1978)

"Conceptual Thinking about the Individual in International Law", 4 British Journal of International Studies, 1978

"Conceptual Thinking about the Individual in International Law", XXIV New York Law School Law Review (1978) 11-29

"The Identity of International Law", in International Law Teaching and Practice (ed. Cheng, 1982)

"International Law in Contemporary Perspective: The Public Order of the World Community", Yale Journal of World Public Order (Spring 1983, published 1985)

"The Role of Resolutions of International Organisations in the Process of Creating Norms in the International System", Coexistence 24 (1987) (1-2), p. 9.

"Contending Systems of World Public Order and International Law", Atlantic Community Quarterly, Summer 1987

(ii) United Nations law

International Action and Domestic Jurisdiction (chap., Penguin Books, 1964)

"Internal War and International Law" (chap., vol. III, The Future of the International Legal Order, eds. Falk and Black, Princeton UP)

"The Development of International Law through the Political Organs of the UN", Proceedings, American Society of International Law (1965)

"Some observations in the current literature on the United Nations", International Affairs (1965)

"International Law, Rhodesia and the United Nations", The World Today (March 1967)

"The June War: the United Nations and Legal Background", Journal of Contemporary History (July 1968)

"The Place of International Law in the Settlement of Disputes by the Security Council", American Journal of International Law 64 (1970) 1-15

Chapter in Compliance with the Decisions of International Organisations (Oceana/Sijthoff, 1971) - "Compliance with the UN Decisions on Peace and Security"

"International Law and the UN System", in The Study of International Affairs, Essays in Honour of Kenneth Younger (1972)

The Interpretation of International Organisation by Western Scholars (commissioned by the United Nations Educational, Scientific and Cultural Organization)

"Institutional Modes of Conflict Management", in Moore, Tipson & Turner, National Security Law, pp. 193-307

"The Advisory Opinion on Namibia: which UN Resolutions are Binding Under Article 25 of the Charter?" International and Comparative Law Quarterly (January 1972)

"The New United Nations: Appearance and Reality", The Josephine Onoh Memorial Lecture 1993 (University of Hull Press 1993)

"The New United Nations and Yugoslavia", 69 International Affairs (1993) 465

"The EC and the New United Nations", European University Institute Working Paper RSC No. 94/7, European University Institute, 1994

(iii) The use of force

"Legal Limits to the Use of Force by States: UN Practice", British Year Book of International Law, XXXVII (1961) 269-319

"United Nations Peacekeeping: Political and Financial Problems", The World Today (August 1965)

Certain chapters in Bowett, United Nations Forces (1965) "International Law and Civil Conflict" (The International Regulation of Civil Conflict, ed. Luard)

"United Nations Peacekeeping: Past Lessons and Future Prospects", David Davies (1971)

"A General Assessment of United Nations Peacekeeping", in United Nations Peacekeeping (ed. A. Cassesse, Sijthoff 1978)

"Intervention and International Law", in H. Bull (ed.) Intervention in World Politics (1994)

(iv) State and diplomatic immunities

"Recent Developments in the Law of Sovereign Immunity in the United Kingdom", 71 American Journal of International Law (AJIL) (1977) 423

"The Death Throes of Absolute Immunity", AJIL 73 (1979 465-470)

"Execution of State Property: United Kingdom Practice", Netherlands Yearbook of International Law - Tenth Anniversary Volume, Spring (1980)

"Certain Unresolved Aspects of State Immunity", Netherlands International Law Review (1982) 265

"Recent Developments in the Law of State Immunity", Annuaire Français de Droit International (1983)

"The Abuse of Diplomatic Privileges and Immunities: Recent United Kingdom Experience", AJIL vol. 79, No. 3 (1985) 641

"UK Foreign Affairs Committee Report on the Abuse of Diplomatic Privileges and Immunities: Government Response and Report", 80 AJIL, January 1986

"Execution of State Property in English Law", L'Immunité d'Éxecution de l'État Étranger (1990), pp. 101-120

(v) Human rights

"Human Rights of Soviet Jews to Leave, Violations and Obstacles", International Affairs (1965)

"Legal Aspects of the Helsinki Agreement", in After Belgrade (publication of United Kingdom Monitoring Group, under the chairmanship of Lord Thompson of Moncrieff)

"Damages for Violations of Human Rights", in Sims (ed.), Explorations in Ethics and International Relations

"The Right in International Law of an Individual to Enter, Stay In and Leave a Country", International Affairs (July 1973)

"Derogations Under Human Rights Treaties by States", British Yearbook of International Law (BYIL) LXVII (1976) 281-320

"Problems of Execution of Decisions of Organs of the European Convention on Human Rights", Revue Hellenique de Droit International (1978-1979)

"Reality and Hope in International Human Rights: A Critique", 9 Hofstra Law Review (1981) 265

"The European Convention on Human Rights", in Human Rights in International Law: Legal and Policy Issues (ed. Meron) (1984)

"Human Rights: Effective Remedies", Proceedings, Seventy-Seventh Meeting of the American Society of International Law, 1983, published 1985

"Innvandring, familieliv og diskriminering" ("Immigration, the family and discrimination") Mennesker og Rettigheter, vol. 4, 1986

Report on "Human Rights and Foreign Policy" for Colloquy on "Democracy and Human Rights", organized by the Government of Greece and Secretariat General of Council of Europe, Thessaloniki, Greece, 24-26 September 1987 (Strasbourg, 1987)

"Encouraging Human Rights", London School of Economics Quarterly (Autumn 1988), at pp. 249-265

"Some Recent Developments in Respect of the Right to Leave in International Law", in Essays in Honour of Georg Schwarzenberger (Stevens, 1988)

"Human Rights: Some Questions of Integrity" (Chorley lecture 1988) Modern Law Review (January 1989)

"Some thoughts on the Implementation of Human Rights", Bulletin of Human Rights (1989/1) (Publ. 1990) 60-67

"The UN Human Rights Committee", in Blackburn & Taylor (eds.), Human Rights for the 1990s (Mansell, 1991)

"Admissibility under the Optional Protocol to the International Covenant on Civil and Political Rights", Canadian Human Rights Yearbook (1991-1992)

"The Relationship between International Law and Regional Human Rights Norms and Domestic Law", Developing Human Rights Jurisprudence, vol. 5 (Commonwealth Secretariat, 1993)

"La recevabilité aux terms du Protocole facultatif se rapportant au Pacte international relatif aux droits civils et politiques", Annuaire Canadien des droits de la personne (1992)

"Africa and the Covenant on Civil and Political Rights during the First Five Years of the Journal: Some Facts and Some Thoughts", 5 African Journal of International and Comparative Law (1993)

"Domestic Implementation of International Human Rights Norms", Conference Papers, 10th Commonwealth Law Conference (Nicosia, 1993)

"Minority Rights: Discrepancies and Divergences Between the International Covenant and the Council of Europe System", Liber Amicorum for Henry Schermers (1994)

"Facing the Future", NJCM Bulletin, Special issue on the International Covenant on Civil and Political Rights, Autumn 1994

(vi) International petroleum law

"Legal Aspects of Ten Years of State Involvement in the North Sea", Proceedings of 1979 International Bar Association (IBA) Conference on Petroleum Law

"Ten Years of State Involvement in the Offshore Petroleum Industry - the UK Experience", in vol. 2, 1979, Energy Law Seminar (IBA)

"Legal Preconditions of Foreign Investment" in Energy Law '86, Proceedings of the IBA Seminar, Munich 1986

"Legal Aspects of Abandonment of Oil Rigs", Journal of Energy and Natural Resources Law, Feb. 1993

(vii) General

"The Dissolution of the Mali Federation", BYIL, XXXVI (1960), 375-384

"The Concept of Statehood in UN Practice", Penn. Law Review 109 (1961)

"The Soblen Case", The World Today (October 1962), Chapter on International Law, Annual Register, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978

"The International Court and South West Africa: The Implications of the Judgment", International Affairs (October 1966)

"The Relevance of Third Party Adjudication in International Relations" (Essays in Memory of John McMahon)

"Certain aspects of the Barcelona Traction Case", Virginia Journal of International Law (1971)

"The Availability of Damages for Reliance by a Government on Executive Necessity" (International Law and Economic Order: Festschrift fur Dr. Mann, eds. Hahn and Simmonds

"Oscar Schachter as Scholar", in V. Raman (ed.), Dispute Settlement through the United Nations

"Non-Identification of the Majority and Minority in the Practice of the International Court", in Jus et Societas, Essays in Tribute to Wolfgang Friedmann (1980)

International Law and the Reasonable Need of Governments to Govern, LSE, Inaugural Lecture (1982)

"Judge Dillard and the Right of Self-Determination", Virginia Journal of International Law (1983) 387

"The Legal Bases of Jurisdiction" in Olmstead (ed.), Extraterritorial Application of Laws and Responses Thereto (ILA in association with ESC Publishing Ltd., Oxford, 1984)

"Grotius and the United Nations", ISSJ (1985) vol. XXXVII, No. 1

"United Kingdom", in F. G. Jacobs and S. Roberts (eds.), The Effect of Treaties in Domestic Law, vol. 7 (Sweet & Maxwell, 1987)

"La liberté de circulation des personnes en droit international" in Flory and Higgins (eds.), Liberté de circulation des personnes en droit international (1989) at pp. 1-20

"Liberty of Movement within the Territory of a State", International Law at a Time of Perplexity (Nijhoff, 1989) 325-342

"Grotius and the Development of International Law in the United Nations Period", in Bull, Kingsbury & Roberts (eds.), Hugo Grotius and International Relations (Clarendon Press, 1990)

"International Law and Foreign Corporations", in New Diplomacy in the Post Cold War World: Essays for Susan Strange (Macmillan, 1993)

"Postmodern Tribalism and the Right of Secession, Comments", in Brohamn, Lefeber & Zieck (eds.), Peoples and Minorities in International Law (Nijhoff, 1993)

"The United Nations, International Law and Terrorism", to be published in Anglo-French Approaches to Public Law Aspects of Terrorism, Routledge, pending

Report for the Institut de droit international on Liability of Member States for the Defaults cf International Organizations, pending

---

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/49/934
30 June 1995
ENGLISH
ORIGINAL: ARABIC/ENGLISH

Forty-ninth session
Agenda item 131

FINANCING OF THE UNITED NATIONS MILITARY LIAISON TEAM IN CAMBODIA

Report of the Fifth Committee

Rapporteur: Mr. Larbi DJACTA (Algeria)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1994, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-ninth session the item entitled "Financing of the United Nations Military Liaison Team in Cambodia" and to allocate it to the Fifth Committee.

2. For its consideration of the item, the Committee had before it the report of the Secretary-General (A/49/521) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/49/913).

3. The Fifth Committee considered the item at its 56th and 58th meetings, on 14 and 23 June 1995. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/49/SR.56 and 58).

II. CONSIDERATION OF DRAFT DECISION A/C.5/49/L.58

4. At the 56th meeting, on 14 June, the Vice-Chairman introduced a draft decision entitled "Financing of the United Nations Military Liaison Team in Cambodia" (A/C.5/49/L.58).

5. At its 58th meeting, on 23 June, the Committee adopted draft decision A/C.5/49/L.58 without a vote (see para. 6).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft decision:

Financing of the United Nations Military Liaison Team in Cambodia

The General Assembly, having considered the report of the Secretary-General on the financing of the United Nations Military Liaison Team in Cambodia 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/ bearing in mind Security Council resolution 880 (1993) of 4 November 1993, by which the Council decided to establish the Team, and recalling its decision 48/480 of 23 December 1993 and its resolution 48/257 of 26 May 1994 on the financing of the Team, decides:

(a) To endorse the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions; 2/

(b) To urge all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Military Liaison Team in Cambodia promptly and in full;

(c) To apportion among Member States, as soon as possible and in accordance with the Financial Regulations and Rules of the United Nations, credits resulting from the unencumbered balance of 293,900 United States dollars gross (281,800 dollars net) for the period from 15 November 1993 to 15 May 1994 and the accrued interest and miscellaneous income of 81,506 dollars in the Special Account for the United Nations Military Liaison Team in Cambodia.

1/ A/49/521.
2/ A/49/913.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/49/935
S/1995/532
30 June 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 51
QUESTION OF CYPRUS

SECURITY COUNCIL
Fiftieth year

Letter dated 30 June 1995 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter addressed to you by H.E. Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of that letter and its annex, which contains the text of a statement made by H.E. Atay A. Raşit, Minister for Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus, could be circulated as a document of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) İnal BATU
Permanent Representative

95-19822 (E) 030795 050795

/...

Annex

Letter dated 30 June 1995 from Mr. Osman Ertuğ addressed to the Secretary-General

In answer to recent allegations concerning the construction of a children's playground in the Turkish Cypriot sector of Nicosia, contained in the letter addressed to you by the Greek Cypriot representative, Mr. Alecos Shambos (A/49/925-S/1995/511), I have the honour to bring to your attention the text of a statement made by H.E. Mr. Atay A. Raşit, Minister for Foreign Affairs and Defence, on 27 June 1995.

I shall be grateful if the present letter and its annex are circulated as a document of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

H.E. Mr. Boutros Boutros-Ghali
Secretary-General of the United Nations
New York

Appendix

Statement by H.E. Mr. Atay A. Raşit dated 27 June 1995

Unfounded allegations are being put out by the Greek Cypriot side regarding the construction of a children's playground, which is already in progress in the area known as the Yiğitler (Rocas) Bastion in the Turkish quarter of Nicosia. It is being observed that, in a deliberate attempt to exploit this issue, the Greek Cypriot administration is claiming that the excavations being carried out in connection with the playground are for military purposes.

These allegations are totally baseless. The work being done, which is totally within the territory of the Turkish Republic of Northern Cyprus, is aimed at creating a recreation area for the benefit of the civilian population.

In order not to harm the historical and natural fabric of the area, the infrastructure of the park has been planned underground. The work being carried out for this purpose is deemed necessary in order not to cause an unnecessary reduction in the size of the area.

Since the construction site is higher than the sewage system of the city, the excavations have to be deep so that the park's sewage system can be connected with that of the city. The soil that is being taken out will be used as refill upon completion of the work.

The reaction shown by the Greek Cypriot side regarding this matter is totally unwarranted and is aimed at diverting the attention of the world public opinion from the arming frenzy in which the Greek Cypriot side has been engaged. Since it is the Greek Cypriot side that is engaged in an intensive militarization campaign, baseless allegations of this nature cannot be other than diversionary tactics on the part of the Greek Cypriot side.

It is also known that the aim of the Greek Cypriot side is to prevent the implementation of the confidence-building measures package envisaged by the Secretary-General. It should be borne in mind, however, that, as long as the Greek Cypriot side continues its rigid and intransigent attitude and negative propaganda campaign against the Turkish Cypriot side, it will not be possible for the efforts in the direction of a lasting solution in the island to reach the desired results.

In the light of the above, we hope and expect that all concerned, above all the United Nations, will urge the Greek Cypriot side to abandon its adversarial attitude towards the Turkish Cypriot side and take positive steps towards reconciliation.

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/49/936
3 July 1995

ORIGINAL: ENGLISH

Forty-ninth session
Agenda item 132 (a)

ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF UNITED NATIONS PEACE-KEEPING OPERATIONS: FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS

Management of peace-keeping assets: surplus asset storage facilities and mission start-up kits

Report of the Secretary-General

Executive summary

The requirement for revolving reserve stocks has long been recognized and discussed at length. The Secretariat has further developed the idea of maintaining a stock of mission-ready "start-up kits" for use in new or significantly expanding missions. This concept has since been turned into reality following the demobilization of several missions, resulting in a large surplus of material and equipment which, with assistance from the Government of Italy, has been collected at the newly established United Nations Logistics Base in Brindisi. This is the only location currently available that can fully accommodate the kits, as well as the remainder of surplus materials and equipment brought out from the closing missions in Somalia and Mozambique. The Organization expects the end result to be better preparedness and capacity to respond quickly to peace-keeping crises as they arise in the future.

After review of the Secretary-General's initial proposals contained in document A/48/945, the General Assembly, in its resolution 49/233 XIV of 23 December 1994, endorsed the request of the Advisory Committee on Administrative and Budgetary Questions in its related report (A/49/664) that a detailed report be submitted on the development of a reserve stock of mission start-up kits, including "financial and personnel arrangements, cost parameters, legislative justification, issues of ownership and inventory control of stocked equipment, accounting procedures and alternatives for mission start-up kits, as well as the use of the United Nations Logistics Base

in Brindisi for storage and maintenance." The present report is intended to address those issues.

In paragraph 32 of the report below, the General Assembly is requested to confirm its acceptance of the offer of the Government of Italy of the premises in Brindisi; approve the establishment of the United Nations Logistics Base in Brindisi, take note of the mission start-up kit concept as well as the ad hoc financing arrangements for 1995.

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 6	4
II.	BACKGROUND	7 - 11	6
III.	MISSION START-UP KITS	12 - 17	7
IV.	UNITED NATIONS LOGISTICS BASE, BRINDISI	18 - 31	8
V.	ACTION TO BE TAKEN BY THE GENERAL ASSEMBLY AT ITS FORTY-NINTH SESSION	32	12

Annexes

I.	Modular mission start-up kit concept	13
II.	Mission start-up kits	14
III.	United Nations regional support base requirements	18
IV.	United Nations logistics base, Brindisi, operations flow chart	20

I. INTRODUCTION

1. Since 1991, the United Nations has established numerous large peace-keeping operations for relatively short durations. One result has been the creation of a sizeable surplus of reusable equipment upon closure, which then poses the problem of what to do with it. In 1993, coinciding with the end of the United Nations Transitional Authority in Cambodia (UNTAC) operation, the Organization adopted policies that place the highest priority on retaining surplus assets suitable for further use. The balance is subject to a hierarchy of alternative disposal strategies. Nevertheless, the substantial problem of how best to deal with millions of dollars worth of surplus United Nations assets remains.

2. One method of controlling asset accumulation involves selling any equipment remaining in the mission area at the end of an operation. However, considering the economic conditions prevailing in most host countries, the release of equipment for sale could flood the local markets, leading to a decline in their value and thereby entailing substantial financial losses. Alternatively, if the process of selling the equipment were stretched out over time to avoid flooding the markets, additional expenses for maintaining personnel in the mission area to supervise that process would be required and there would be no way to forecast or guarantee that doing so would yield a positive net return. As another option, international bidders could be solicited to take possession of the equipment in the mission area and transport it out themselves, but as the Organization has no experience with such transactions, it would also be difficult to predict whether this type of disposal would be more cost-effective. Under either of the latter two options, it must be recognized that the Organization's recent experience shows that controlling losses becomes increasingly difficult as the mission winds down, unless valuable equipment is moved out in a timely manner. In at least one recent case, that of the United Nations Operation in Somalia (UNOSOM), conditions at the time the mission was ending were so unsettled as to preclude any such commercial activities.

3. Meanwhile, the Organization has continued to set up new missions and expand existing ones at an average of one every three months. Approximately nine months is required, on the other hand, to complete the financial authorization process and procurement of equipment and supplies initially required to support a mission. To alleviate this time-lag somewhat, the Organization has been able to enter into "requirements (or standby) contracts" for some items (such as computers and communications equipment) to speed up the process, whereby bids are solicited for an indefinite large quantity and a sale price confirmed, to be drawn on as needed. However, this technique cannot be used for purchases so large that they require special manufacturing orders (for items such as vehicles, generators or portable housing), because of the long lead-time such orders require. As a result, there is a need to maintain some level of a reserve of these items to guarantee ready accessibility.

4. These two problems - managing a surplus of reusable assets and supplying new missions on a timely basis - are clearly related. The designation or establishment of a storage facility for holding temporary surpluses, plus the creation of a standard supply of essential equipment and supplies required in the initial phase of mission implementation (or "mission start-up kits"), are

worth considering as solutions to these problems. This would not, however, involve maintaining a warehouse full of items capable of meeting any emergency. The main intention of the Organization will remain to avoid becoming engaged in the continuous management of a large volume of surplus or reserve assets. The policy objective of the Secretariat is to utilize (or otherwise dispose of) stored surplus assets as rapidly as possible, to minimize management problems. The end goal of operating a storage facility, therefore, would be to reduce the inventory to only that which is necessary to maintain the capacity to initiate small new missions without delay.

5. A very small United Nations storage facility and supply depot was first established in Italy to receive assets available upon the closure of the United Nations Emergency Force (UNEF I) in 1956. That facility, located first near Naples and later moved to Pisa, remains in operation to date, but at 3,200 square metres, it is far too small to receive the quantities of usable surplus equipment available upon the closure of recent missions. In the light of the magnitude of current operations, it became clear that the Organization required a more substantial facility with the necessary infrastructure to support secure storage and a ready response capability, as contained in the idea of mission start-up kits. At the same time, the need for a rear logistics support facility for the then United Nations Protection Force (UNPROFOR) away from the conflict area was being urgently considered, with the Pisa depot clearly ruled out as an option. These issues precipitated further development of the storage/supply depot idea into a full-fledged peace-keeping logistics base concept, and the eventual selection of a site in Brindisi, Italy for its establishment, just in time to receive UNOSOM and some United Nations Operation in Mozambique (ONUMOZ) assets. Since October 1994, that facility has received 14 shiploads from closing missions and redistributed 6 shiploads to meet requirements of the missions in Haiti and Angola.

6. The Secretariat has devoted considerable energy during the past year to the development of these and numerous other proposals for improving the capacity of the United Nations to respond in a timely manner to new peace-keeping initiatives. Improving the overall preparedness of the Organization to implement new missions will require innovative approaches to ensuring the availability of necessary human, material and financial resources and each of these was addressed in the report of the Secretary-General (A/48/945) presented on 25 May 1994. As a parameter for preparedness, it was suggested that "the Organization should be ready to field small missions within 48 hours of legislative authorization; start-up times to achieve operational self-sufficiency in general should be no more than 10 days to a week for a small mission (e.g. up to 500 personnel), two to three months for a medium-sized mission (e.g. up to 5,000 personnel) and four to five months for a large mission (e.g. above 5,000 personnel)." The proposals described in greater detail below are among those considered necessary to develop a credible international capacity to meet these objectives.

II. BACKGROUND

7. The creation of a revolving reserve stock of basic equipment to support United Nations peace-keeping operations has long been recognized as a prerequisite to an effective response capacity. The specifics of such a reserve, however, have been the topic of substantial discussion over the past few years. 1/ While the need for a reserve remains generally agreed, proposals for its composition, utilization, replenishment and costing continue to be debated.

8. Recent experience with field operations has tended to confirm the trend towards short duration missions - from several months to two or three years. As a result, substantial amounts of reusable and temporarily surplus equipment and supplies have now become available to the Organization. At present, this surplus is estimated to be worth over $100 million.

9. The Secretariat has most recently proposed, in a report of the Secretary-General (A/48/945) and during subsequent discussions with the Advisory Committee on Administrative and Budgetary Questions (ACABQ), an update of the reserve stock concept based on the wealth of recent peace-keeping experience. The new approach under consideration, for "mission start-up kits" to be held in reserve, provides a coherent, easily managed modular system entailing minimal initial or recurrent costs. As proposed, the mission start-up kit system addresses prior concerns regarding the establishment and replenishment of the stock, the related costs and the framework for its utilization. It varies significantly from earlier proposals for large, comprehensive stockpiles in that it is proposed to be limited to items that are critical for small mission start-up activities. Regular procurement procedures, or more extensively equipped military units, would normally supply the balance of the requirement.

10. Concurrent with the discussion of a reserve, questions of the capacity of the Organization to store the proposed stock have been a concern. The existing Supply Depot in Pisa, Italy, is clearly insufficient to accommodate any sizeable reserve; thus, it was proposed at one stage to utilize longer-established missions such as the United Nations Interim Force in Lebanon (UNIFIL) and the United Nations Peace-keeping Force in Cyprus (UNFICYP) to store parts of the reserve. In fact, parts of the UNTAC surplus were handled in this manner. This experience showed that, although this technique could have served the purpose as a stop-gap, it would have overwhelmed the mission staff and distracted them from their primary duties. In addition, since no field mission has all the required storage capacity, a variety of separate sites would have to be used, and the separation of components of the reserve would have complicated its management. Finally, there remains the basic question of prudence in storing valuable assets in conflict zones.

11. Further consideration of suitable facilities, in conjunction with the development of the mission start-up kit approach, has resulted in the provision by the Italian Government, free of charge, of a facility in Brindisi, Italy, which will serve as a cost-effective central location for maintaining the start-up kit reserves as well as supervising the overall management of the Organization's surplus physical peace-keeping assets.

III. MISSION START-UP KITS

12. The concept of "start-up kits" is a logical evolution of the proposal for a revolving reserve stock, with emphasis placed on maintaining readiness to respond to the very first requirements of a new, or substantially expanding, peace-keeping operation in a rapid and cost-effective manner. Experience has shown that the ability to deploy a mission depends upon the provision of basic support such as vehicles and communications equipment, the procurement of which is subject to substantial lead-times (or significantly higher costs). These basic needs are the same regardless of the destination or type of operation. Thus it was perceived that the maintenance of a preconfigured supply or "kit", including all of the immediate needs to initiate an operation, ready for assembly and shipment, would enable the Organization to deploy new missions with an absolute minimum of delay, while avoiding the costs and disadvantages of managing a large general stockpile. The start-up kit would be sufficient to sustain a mission of no more than 100 persons for up to 3 months, until the normal support and supply systems, enhanced by extensive use of contingency contracting strategies, are in place. This support system can be further enhanced by developing, as time and resources permit, a series of support item templates appropriate to recurring types of mandates and mission configurations, to be used as a planning, budgeting and procurement aid for the items required after the start-up phase of a field mission.

13. Based on the experience of mid-1993, when five missions needed to be equipped within a three-month period, it is the intention of the Secretariat to maintain 5 start-up kits for 100-person missions in reserve, preconfigured and stocked in ways to facilitate immediate packing and shipment when the need arises. Five kits will also meet the planning target identified above. In most instances, one kit should be sufficient to start a new mission; however, should a larger presence be urgently required, as many kits as available could be utilized to provide the appropriate level of support (see annex I). By maintaining a generic start-up kit configuration, the maximum standardization and resultant cost-effectiveness is possible. Annex II to the present report contains a list of the components proposed for inclusion in a mission start-up kit.

14. While the value of a single mission start-up kit has been estimated at approximately $3.4 million based on current values listed in the Standard Cost Manual, the closure of UNTAC afforded the opportunity to redeploy existing assets 2/ to assemble a substantial portion of the equipment requirements for the planned start-up kits. It is anticipated that the remaining components of the start-up kit reserves will be available from the surplus assets of UNOSOM or from other missions that have recently closed or scaled down. 3/ This is quite significant, in that the bulk of the reserve stock of mission start-up kits will have been compiled at little additional cost to the Organization.

15. The actual cost of assembling these start-up kits will be known only once the precise composition and condition of the available surplus assets is determined. Work is under way at present to open, inspect and inventory the containers holding surplus equipment and supplies sent to the United Nations Logistics Base in Brindisi from Somalia and Mozambique. Quite precise information is available with respect to item descriptions and quantities, but

the containers must be opened to confirm quantities (because of possible losses during shipping) and to assess condition for repair or disposal action. After the extent of useable surplus stock is known, the required components will be set aside to form the start-up kits described above. Should additional resources be required to procure any items for the kits not available through surplus, the Secretariat would finance this procurement from the budgets for current and new missions.

16. Once the stock of start-up kits has been established, it will be maintained by replenishment from the budgets of those missions that have received the kits. The start-up kit system thus provides for the rapid deployment of a new mission by ensuring that needed equipment is immediately available while deferring the financial impact. Replacement costs for the items provided to a mission in the start-up kit will be included in that mission's budget estimates; once the budget has been approved, those funds will be utilized to procure equipment and supplies to assemble a replacement start-up kit for the reserve (subject to a maximum of five kits in reserve). Should sufficient equipment be available through transfer from other liquidating missions, however, the new procurement would not be necessary and the Organization would avoid the cost, which would be recognized in the new mission's budget.

17. It should be noted that the policy of transferring assets from closing peace-keeping operations to other missions and/or the start-up kit reserve as a first priority has been developed as an efficient and cost-effective method of maintaining operational readiness. The demobilization (formerly "liquidation") guidelines that are being promulgated include detailed provisions to ensure that the Organization's assets are fully utilized throughout their serviceable life.

IV. UNITED NATIONS LOGISTICS BASE, BRINDISI

18. During late 1993, under growing pressure to supplement the storage and logistical support capacity of the United Nations Supply Depot in Pisa, a number of Governments were approached informally to determine whether another facility could be made available. The proposed requirements for such a facility as solicited are attached as annex III. This démarche resulted in a generous offer by the Government of Italy of premises located in a military installation at Brindisi, which provides considerable warehousing and open storage space in fully secured premises, facilities for the repair and reconditioning of vehicles and equipment, office space, an airfield capable of accommodating large cargo aircraft and proximity to rail and port facilities.

19. The strategic location of Brindisi relative to United Nations peace-keeping operations in the former Yugoslavia, the Middle East and Africa makes it an extremely useful facility from which to support existing United Nations missions. The infrastructure and capacity of the base will permit the Organization to assemble, store and transship large quantities of mission-related equipment and supplies, including the complete reserve stock of mission start-up kits, supported by workshops to recondition equipment brought from closing missions. The ready accessibility of various transport options will further increase the Organization's ability to respond immediately to new crises as they arise.

20. Following negotiations with the Government of Italy, a memorandum of understanding outlining the principles governing the establishment of this United Nations facility at Brindisi, as well as an implementation agreement detailing arrangements for its functioning, were signed by the Secretary-General in Rome on 23 November 1994. Pending ratification, an interim arrangement with the Government of Italy had allowed for an initial shipment of containers into Brindisi for storage in June 1994, with the first staff arriving to establish operations in October 1994. Since the signing of the formal agreements, the first phase of establishment of the logistics base has made available approximately 24,226 square metres of office, warehousing and workshop space, along with considerable open storage space for vehicles, containers and other large equipment. Expenses related to this facility are limited to utilities, alterations to premises to suit United Nations purposes, a modest maintenance charge by the Government of Italy, maintenance of premises used exclusively by the United Nations, costs of handling, refurbishing and shipping United Nations assets and the staff to manage the operation. When fully developed, the facility will cover over 400,000 square metres, nearly half of this consisting of open storage space, and comprising some 45 buildings with approximately 37,000 square metres of covered storage space and workshops and 3,500 square metres of office space.

21. In the meantime, residual use of the United Nations Supply Depot in Pisa for peace-keeping activities will cease as of 31 December 1995, after which its regular budget resources will be reallocated as part of the overall requirements for Brindisi.

22. The United Nations Logistics Base will serve three principal functions: (a) to receive, inspect, repair as necessary and store surplus assets from closing or downsizing peace-keeping operations; (b) to maintain a reserve of equipment and supplies (drawn initially from available surplus assets) in the form of mission start-up kits; and (c) to serve as a "rear logistics" base for the United Nations Peace Forces (UNPF) in the former Yugoslavia. In so far as the base is currently fulfilling essential rear logistics functions for UNPF in the former Yugoslavia, and in consideration of the uncertain status of other UNPF support bases in Croatia, the United Nations Logistics Base is currently functioning to a considerable extent as a component of UNPF. General operating costs for the base are therefore at present being charged against the UNPF budget. The most significant of these functions, in terms of both activity and value, will be the management of surplus assets received, from initial inspection, repairs, maintenance and storage until required by another mission (or to form a start-up kit). A diagram depicting this cycle of the Logistics Base operation is attached as annex IV. The assembly of mission start-up kits as described above, using available surplus assets, will require substantial initial activity, after which only basic maintenance in storage will be sufficient, to ensure readiness for packing in containers or on pallets for shipment to new or expanding missions when needed. Support for UNPF will entail primarily third-line maintenance and repair, for which that mission lacks a similar facility in a stable and secure environment.

23. In respect of these three interrelated functions, the United Nations Logistics Base will be performing a central coordinating activity for the assets of peace-keeping operations in general. Not only will this improve the

responsiveness of the Organization to new peace-keeping challenges, but it will also be conducive to greater efficiency in asset management and resource allocation to peace-keeping operations overall. Centralizing the receipt, inspection, inventory and issue of surplus equipment and supplies to and from missions will promote maximum control and the most efficient use of the Organization's assets.

24. Although each mission will remain responsible for its own detailed inventory of assets, the United Nations Logistics Base will provide a broad oversight and control function. The individual mission inventories will be electronically linked (initially through regular file back-ups by diskette) to the Logistics Base master inventory, which will reflect the quantity, location and condition of all equipment and supplies, according to increasingly standardized and robust specifications, along with the availability of any surplus for further reissue. This detailed global overview of the Organization's field mission assets will make it possible to plan the deployment/redeployment of assets to meet projected and immediate operational requirements in the most efficient manner. As such, it will be possible to match existing surpluses with shortfalls in other areas without the need to centralize physically all of the assets involved, saving both time and money.

25. In the case of demobilizing missions, assets that are not immediately required by other missions will be sent to the United Nations Logistics Base for inspection, reconditioning as necessary and storage for future use. Upon receipt at the Base, they will be officially transferred from the inventory of the sending mission to the inventory of the Base, to be used either in mission start-up kits or as general stock for reissue to support current mission demands. In this manner, the inventory records function as a tool to coordinate accountability for the Organization's assets and provide a clear audit trail. Inventory responsibility follows the physical movement of property as it is redeployed, including periods of storage for future use. That inventory responsibility will accordingly shift to the mission receiving the assets in due course. Thus, the inventory for start-up kit equipment that is deployed to a new mission is transferred to that mission, and the replacement equipment will be added to the inventory of the United Nations Logistics Base and eventually transferred to a new mission.

26. Depending on the status of active peace-keeping operations at any given time, the activities of the United Nations Logistics Base will require some flexibility and adaptability to changing requirements. At times when one or more missions are starting or demobilizing, the size of the Base staff and budget may have to expand to meet the increased demands for services such as arranging transport, loading/offloading cargo, receipt and inspections, warehousing procedures and maintenance and repair work. Contractors will be engaged to provide such services for the period required, and their productivity will be monitored by the core of international staff. At other times, only a very basic infrastructure and maintenance operation will be required to fulfil the storage and supply operations. It should, however, be noted that the presence of the maintenance and repair facility at the Base will also be used for reconditioning or repair of equipment from ongoing missions whenever feasible and cost-effective. Other functions planned for the facility include transfer of the UNIFIL satellite Earth stations now providing communications to

field missions covered by the Indian Ocean satellite (i.e., from an unstable to a stable environment), and the provision of office and storage facilities for mission start-up or demobilization teams as required. In the event that staff cannot remain in either the mission area or a nearby country because of security conditions or excessive costs, the availability of space and ready access to the demobilized mission's transferred assets and archives would make the Base a natural location to close out with a minimum of delay or additional cost.

27. At present, the storage capacity of the United Nations Logistics Base in Brindisi is being fully utilized for equipment withdrawn from UNOSOM, and to a lesser extent from ONUMOZ. In fact, the volume of equipment entailed in the withdrawal from UNOSOM required supplemental outdoor storage space for containers, which the Italian Government generously made available free of charge at the vacant San Pancrazio airstrip near the Brindisi facility. (This "overflow" storage space will remain available to the United Nations for as long as it is required, until space is available at the Base to accommodate the additional containers.) The receiving/inspection and inventory control functions of the Base are particularly relevant in the case of UNOSOM, where the security conditions required the swiftest possible movement of assets out of the country. As in Cambodia, detailed inspection and inventory of departing assets was hindered by the need to protect those assets by removing them quickly. Thus, this review is being conducted in Brindisi, using a master inventory updated with reference to the UNOSOM records. A proper asset control programme would require this step in any event, to account for shipping losses and to transfer accountability to the United Nations Logistics Base.

28. The magnitude of the assets involved with the demobilization of UNOSOM and the subsequent difficulties in securing sufficient storage space has led to consideration of the need for a related surplus assets management policy. Although the recent trends in peace-keeping have involved a high turnover or increasing occurrence of new missions, it is not obvious that these trends will continue in the future. Thus, as some of the large missions close, the Organization may be placed in the situation where it must arrange for storage and maintenance of a far larger quantity of assets than may reasonably be required to support ongoing or future missions. To avoid this scenario, it may be necessary to establish standards for the maximum levels of stocks to be retained. In this regard, it may also prove beneficial to delineate standards for the quality of assets to be retained for future use, so as to enable local disposal of substandard equipment and preclude shipment to the United Nations Logistics Base. These policies would need to be fairly flexible, however, to allow for repair of items that may be in poor condition but in short supply, while allowing for disposal of other items that may be of marginally better quality but in much greater supply. These considerations are under review, and recommendations will be made in due course.

29. At the present stage, it is estimated that a small number of international staff supported by mostly local staff are needed to meet the immediate requirements for managing the overall operation in Brindisi, to carry out mission-specific activities related to UNPF as well as the opening, inspection and inventory of UNOSOM II and ONUMOZ equipment. The requirements for undertaking the immediate task during the 6-month period ending 31 December 1995 are projected at $6.6 million. This projection covers renovations to premises,

workshop equipment and spare parts, other equipment and supplies, in addition to the staffing requirements.

30. Pending further review of the staffing and operating resource requirements to perform its primary functions (see paras. 22 (a) and (b) above) as well as other functions envisaged (see paras. 22 (c) and 27 above), it is intended to continue for the remainder of 1995 the ad hoc financing of Brindisi from within the existing budgets of UNPF as well as other missions. Expenditures on Brindisi charged against the respective mission budgets will be explicitly identified in the Secretary-General's performance reports to the General Assembly.

31. The Secretary-General will submit a report to the General Assembly at its fiftieth session on the budget and long-term financing arrangements for Brindisi for 1996. These proposals will take into account the prospective cessation of the use for peace-keeping operations of the United Nations Supply Depot at Pisa as of 31 December 1995 and the consequent reallocation of its regular budget resources as part of the overall requirements for Brindisi.

V. ACTION TO BE TAKEN BY THE GENERAL ASSEMBLY AT ITS FORTY-NINTH SESSION

32. Accordingly, the General Assembly is requested, at this time, to confirm its acceptance of the generous offer of the Government of Italy of the premises in Brindisi; approve the establishment of the United Nations Logistics Base in Brindisi; take note of the mission start-up kit concept (paras. 12-17); and take note of the ad hoc financing arrangements for 1995 (paras. 29 and 30).

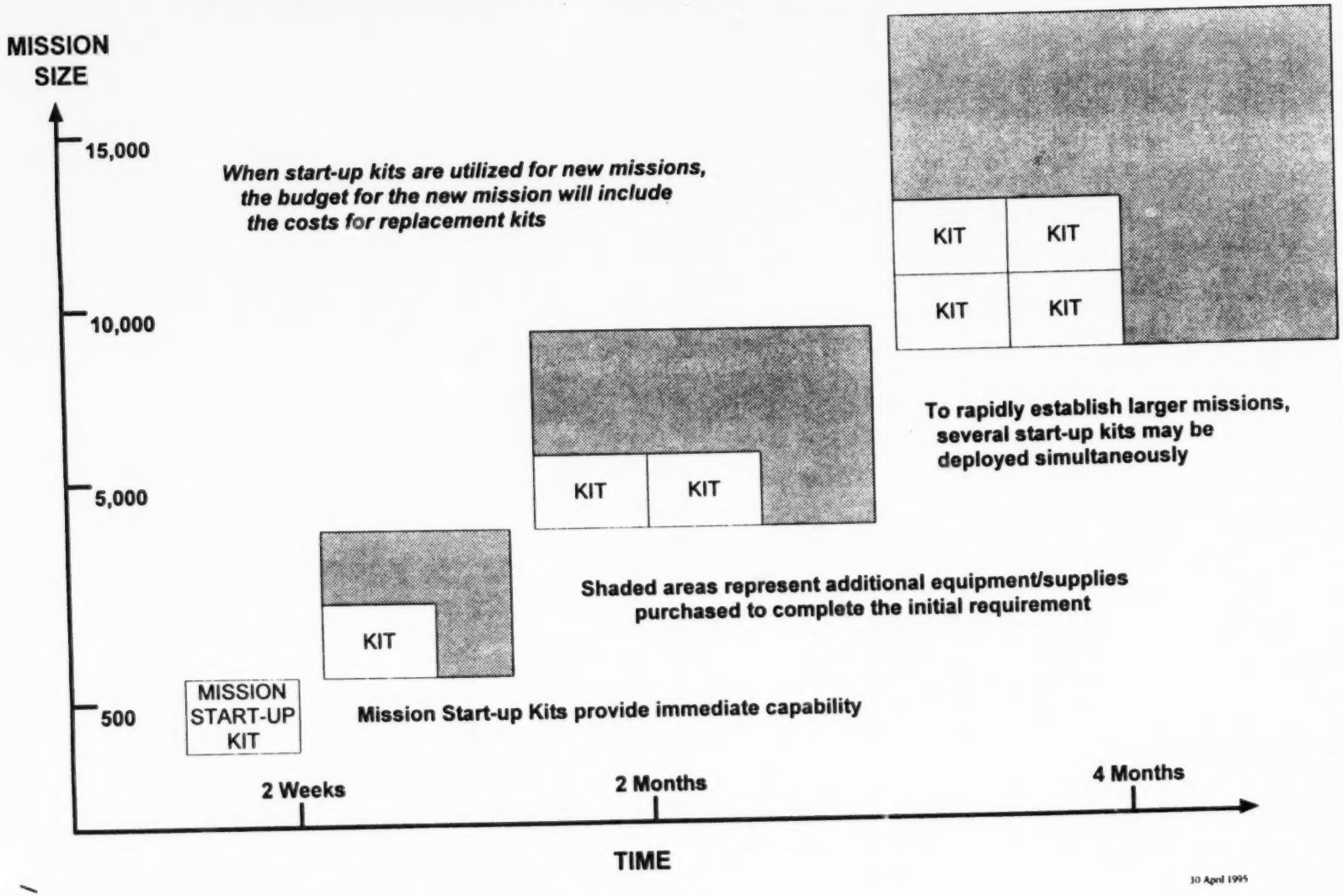
Notes

1/ See A/45/493/Add.1, A/45/801, A/47/990 and General Assembly resolution 48/42.

2/ General Assembly resolution 47/209 B.

3/ The United Nations Observer Mission in El Salvador (ONUSAL) surplus was transferred directly to the operations in Guatemala and Haiti and most of the ONUMOZ surplus to Angola.

MODULAR MISSION START-UP KIT CONCEPT



Annex II

MISSION START-UP KITS

1. The start-up kit concept is modular in format. The intention is to assemble a number of kits, all of the same size, each sufficient to equip and maintain one 100-person mission, assumed to consist of 80 military observers and 20 United Nations civilian staff, for a period of up to 3 months. The United Nations Logistics Base would assemble as many as possible of these kits from existing holdings and liquidating missions' returned stocks, with the aim of minimizing any requirements for additional procurement.

2. The intention is that, whenever a new mission is initiated, as many 100-person start-up kits as are required to cater for the initial mission strength would be deployed immediately to the operational location. Subsequently, the new mission's budget would be used to procure the items required to assemble replacement start-up kits.

3. Each start-up kit would:

(a) Include 100 per cent of essential, non-perishable long lead-time items;

(b) Include 10 per cent of essential, non-perishable short lead-time items (to guarantee at least a minimum immediate capability);

(c) Be capable of deployment anywhere in the world (except for arctic/antarctic regions);

(d) Include no non-essential equipment.

For the purpose of this exercise, "non-perishable" is defined as meaning non-perishable under normal storage conditions, "short lead-time" is defined as meaning normally available off-the-shelf, and "long lead-time" is defined as meaning normally subject to special order.

4. Attached is the list of contents for a 100-person camp start-up kit. The overall value of one 100-person start-up kit as listed would be approximately $3.4 million.

Mission Start-up Kit
20 Staff & 80 Military Observers
3 Month Period

Category		Total Cost (US$)
ACCOMMODATION 4-PERSON ACCOMMODATION/OFFICE CONTAINERS (33), ABLUTIONS CONTAINERS (2), KITCHEN CONTAINER (1), REFRIGERATION CONTAINER (1), WAREHOUSE (1 - 10M X 24M), 20' STORAGE/WORKSHOP CONTAINERS (5), SEWAGE TANKS	**Sub-total**	**315,350.00**
VEHICLES 4X4 VEHICLES (35), SEDANS (2), MEDIUM CARGO TRUCKS (3), 10T CAPACITY FORKLIFT (1), FRONT-END LOADER WITH BACKHOE (1), TRAILERS (3 - 3000L WATER/DIESEL, 10 - 4X4 GENERAL)	**Sub-total**	**1,156,000.00**
CONSTRUCTION MATERIALS CONCERTINA/BARBED WIRE, IRON PICKETS, MISCELLANEOUS	**Sub-total**	**12,176.00**
MATERIALS FOR PROTECTIVE SHELTERS 20' SEA CONTAINERS (2), LUMBER, CORRUGATED IRON SHEETS, NAILS, SANDBAGS, MISC.	**Sub-total**	**6,350.00**
MISCELLANEOUS TOOLS	**Sub-total**	**7,220.00**
ELECTRIC EQUIPMENT GENERATORS (2 - 160 KVA, 6 - MOBILE 5 KVA), CABLES, MISCELLANEOUS ELECTRICAL EQUIP.	**Sub-total**	**155,060.00**
MISCELLANEOUS SANITATION AND FIREFIGHTING MATERIALS	**Sub-total**	**19,218.00**
MISCELLANEOUS ACCOMMODATION EQUIPMENT	**Sub-total**	**23,000.00**

Mission Start-up Kit
20 Staff & 80 Military Observers
3 Month Period

Category		Total Cost (US$)
CATERING EQUIPMENT		
PORTABLE FIELD KITCHEN UNIT (1), WATER PURIFICATION UNIT (1 - UVA PROCESS), 50 PERSON KITCHEN EQUIPMENT PACK-UP, MISCELLANEOUS CATERING EQUIPMENT	**Sub-total**	**58,800.00**
MISCELLANEOUS P.O.L. EQUIPMENT	**Sub-total**	**1,100.00**
OBSERVATION KIT		
BINOCULARS (40 - HANDHELD 7X50, 6 - NIGHT VISION), HANDHELD SEARCHLIGHT (20), FLASHLIGHT (80), POLAROID CAMERA (4), BATTERIES	**Sub-total**	**52,120.00**
ID EQUIPMENT AND UN VEHICLE/CLOTHING ACCOUTREMENTS		
IDENTIFICATION SYSTEM, FLAGS, DECALS, CLOTHING IDENTIFICATION SET	**Sub-total**	**15,730.00**
MISCELLANEOUS ITEMS		
HELMETS (100 - STEEL OR KEVLAR, 100 - FRAGMENTATION JACKETS, 15 - 10 MAN TENTS, ETC.)	**Sub-total**	**66,300.00**
STATIONERY KIT	**Sub-total**	**1,877.00**
OFFICE KIT		
PHOTOCOPIERS (2 - LOW VOLUME), MEDIUM SHREDDER (1), MISCELLANEOUS OFFICE ITEMS	**Sub-total**	**14,800.00**
FIELD RATIONS AND BOTTLED WATER	**Sub-total**	**12,775.00**
FUEL TANK/BLADDERS		
FUEL BLADDERS (5 - 1000 GAL, 1 - 7500 GAL), FUEL PUMP SYSTEM, GROUND CLOTH, SUN SHIELD COVER	**Sub-total**	**70,350.00**

Mission Start-up Kit
20 Staff & 80 Military Observers
3 Month Period

Category	Total Cost (US$)
WATER TANK/BLADDERS	
WATER BLADDERS (10 - 1000 GAL, 2 - 7500 GAL), WATER PUMP SYSTEM, GROUND CLOTH, SHIELD COVER	
Sub-total	**140,700.00**
COMMUNICATIONS EQUIPMENT	
RAPID DEPLOYMENT TELECOMMUNICATION SYSTEM (1), INMARSAT C (3), INMARSAT M (3), TELEPHONE EXCHANGE (2 SMALL), TELEPHONE INSTRUMENTS (40), UPS (4 - 5 KVA, 2 - 2KVA), PORTABLE ANTENNA TOWERS (15), SOLAR POWER SYSTEM (10), 8-CHANNEL MICROWAVE LINK (2), HF MOBILE RADIO SET (5), HF BASE STATIONS (3), AIR-TO-GROUND HANDHELD RADIOS (2), AIR-TO-GROUND BASE STATION (1), GLOBAL POSITIONING SYSTEM (3), PORTABLE COMPUTERS AND PRINTERS (3), FAX MACHINE (1), CRYPTOFAX (1), SECURE VOICE (1), VHF BASE STATIONS (10), VHF/UHF HANDIE TALKIES (100), VHF MOBILE SETS (8), VHF REPEATERS (3), MISC. WORKSHOP EQUIP.	
Sub-total	**821,990.00**
MEDICAL	
MEDICAL TREATMENT CONTAINER WITH TRUCK (1 - WITH EQUIPMENT), FIRST AID KITS (20), VEHICLE FIRST AID KITS (50), MEDICAL CONSUMABLES	
Sub-total	**169,900.00**
EDP	
TYPEWRITER (1), DESKTOP COMPUTERS WITH MONITORS AND PRINTERS (30), NETWORK SERVER (1), UPS WITH AUTO SHUTDOWN (2 - APC 2000, 60 - APC 400), MISCELLANEOUS SOFTWARE AND EQUIP.	
Sub-total	**251,077.00**
GRAND TOTAL:	**3,371,893**

Annex III

UNITED NATIONS REGIONAL SUPPORT BASE REQUIREMENTS

Objective. United Nations-controlled logistics base (or United Nations-controlled portion of Government facility).

Airfield. An instrument flight rules-capable (minimum ICAO Category II), all weather airfield capable of accepting AN-124, C5A, IL-76TD, C141 and C130 and the larger wide-bodied domestic passenger aircraft types is required. Should include fuel storage facilities, maintenance hangar space, aircraft parking apron space, fire-fighting facilities, ramping and aircraft material handling equipment, navigation and air traffic control systems and be capable of supporting day and night operations.

Port. A deep-water port capable of supporting self-discharging and roll-on/roll-off vessels. Onshore support facilities should include secure warehouse space, heavy materials handling equipment, container handling equipment and vehicle/equipment hard-standing.

Road/rail freight terminal with hard-standing, lighting for night operations, secure storage under cover, loading/unloading and vehicle/freight hard-standing areas.

Warehousing and hard-standing to support:

- clothing and general store;
- hazardous cargo, including ammunition and explosives;
- medical stores;
- storage for perishable and non-perishable rations;
- high-value/attractive item security;
- vehicles and spare parts;
- environmentally controlled storage;
- generators, communications stores and maintenance spare parts;
- prefabricated buildings;
- warehousing and receipt and inspection activities.

Sufficient office space.

Vehicle and generator/communications equipment maintenance workshops.

On-base housing for at least 50 permanent staff and transit accommodation for up to 1,000 or more personnel and possible regional use as a troop rest and recreation or training facility.

The facility should be located in a politically stable region in a dry climatic zone to minimize the deleterious effects on exposed equipment.

The facility should have its own engineering services, treated water supply, waste-water treatment plant, power supply and perimeter security system.

The facility should be within easy road access of the existing United Nations facility at Pisa.

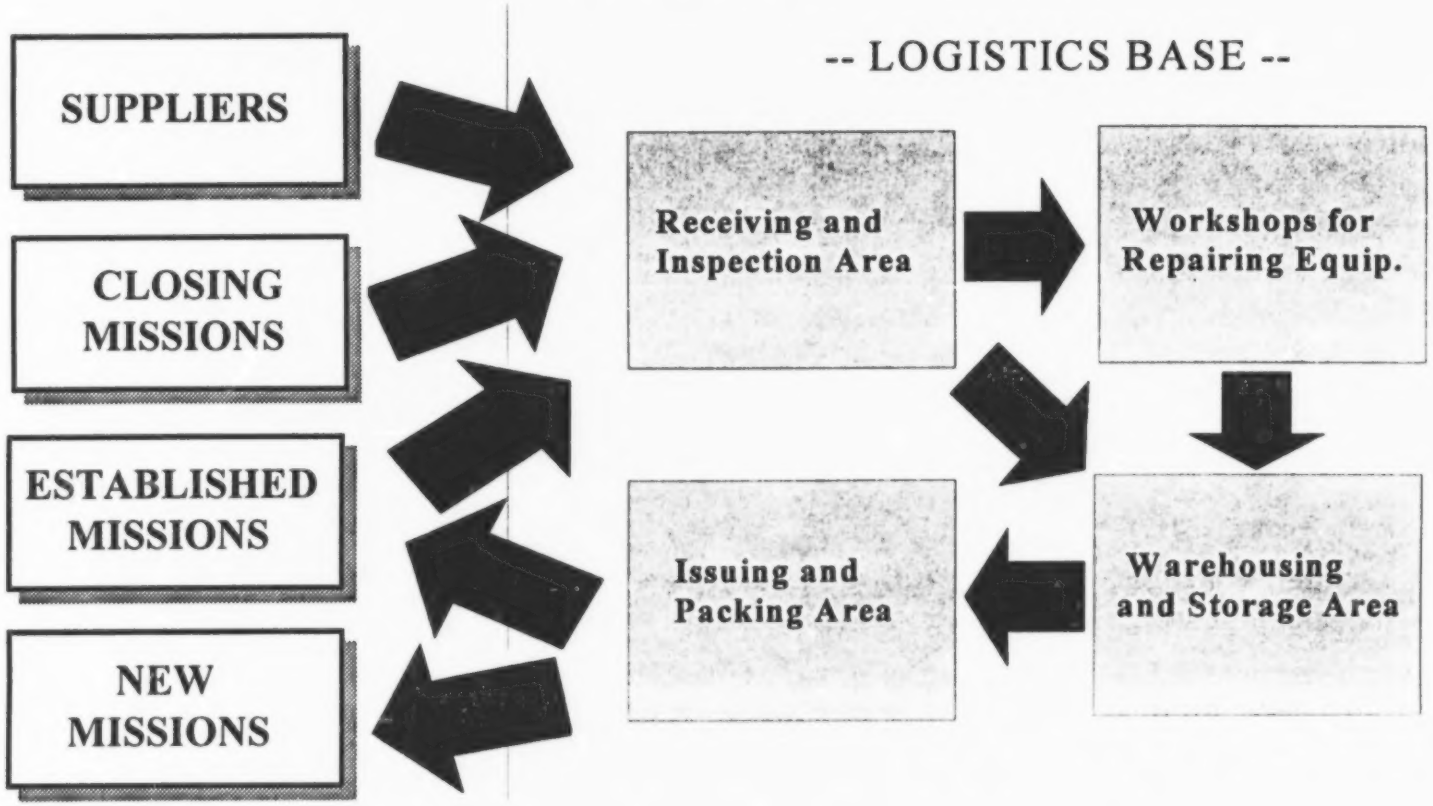
The facility should have sufficient vacant space for future expansion.

The facility must be available for transfer, intact, to United Nations control.

Annex IV

UNITED NATIONS LOGISTICS BASE - BRINDISI

OPERATIONS CIRCLE



UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/49/937
5 July 1995

ORIGINAL: ENGLISH

Forty-ninth session
Agenda item 105

REVIEW OF THE EFFICIENCY OF THE ADMINISTRATIVE AND FINANCIAL FUNCTIONING OF THE UNITED NATIONS

Note by the Secretary-General

Pursuant to General Assembly resolution 48/218 B of 29 July 1994, the Secretary-General has the honour to transmit, for the attention of the Assembly, the annexed report, conveyed to him by the Under-Secretary-General for Internal Oversight Services on the follow-up audit of the United Nations Mission for the Referendum in Western Sahara. The Secretary-General notes that for the most part the corrective action recommended in prior audits has been implemented. The Secretary-General is in agreement with the recommendations contained in the report.

95-20025 (E) 060795 070795

ANNEX

Report of the Office of Internal Oversight Services on the audit of the United Nations Mission for the Referendum in Western Sahara

I. INTRODUCTION

1. An audit of the United Nations Mission for the Referendum in Western Sahara (MINURSO) was carried out from 21 September to 14 October 1994 at MINURSO's headquarters in Laayoune and at selected team sites. The audit was focused on selected administrative, financial and management aspects of MINURSO and included an evaluation of the adequacy and effectiveness of the internal controls exercised by the Mission. Key personnel were interviewed and tests of records and procedures conducted. Further, implementation of recommendations of past audits was reviewed.

2. It was found that MINURSO had generally implemented corrective action recommended in prior audits. It was also found that the internal control system was adequate, but there were opportunities for improvement. A report on the findings and recommendations resulting from the audit was issued to the management on 22 December 1994. The findings and recommendations were followed up during the audit with MINURSO administration and thereafter with the Field Administration and Logistics Division of the Department of Peace-keeping Operations of the Secretariat. Major recommendations were further followed up during the subsequent audit visit to MINURSO between 13 and 18 February 1995. Later, in a communication dated 4 May 1995, the Field Administration and Logistics Division formally responded to the audit report. This report contains a summary of the major findings, recommendations and follow-up.

II. AUDIT FINDINGS AND RECOMMENDATIONS

A. Need for written agreement for voluntary contributions

1. Finding and recommendation

3. The Government of Morocco provides MINURSO with various goods and services (hotel accommodation and food, office space, trucks, workshop, etc.). The major portion of the value of these contributions is for accommodation and meals for MINURSO staff in the mission headquarters in Laayoune. The goods and services, for which no budgetary provision was made, are reported as voluntary contributions in the United Nations records. In addition to such voluntary contributions, Morocco, Algeria and the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro (Frente POLISARIO) provide voluntary contributions to MINURSO. Such contributions during the period from April to September 1994 amounted to US$ 8.3 million, US$ 486,500 and US$ 532,000 respectively.

4. In May-June 1994, the United Nations was approached by the Permanent Mission of Morocco to the United Nations on the subject of unpaid bills for the

Parador and al Massira hotels (two of four hotels in Laayoune where MINURSO staff members are accommodated). These unpaid bills were for the period from October 1992 to March 1994 in the amount 25,908,020 Moroccan dirhams (US$ 2,710,043 at the United Nations rate of exchange US$ 1.00 equivalent to DH 9.56).

5. The United Nations did not make any payments, and there was evidence that, in part (November 1992 to March 1993 and May to August 1993), payments for the hotel accommodations had been made by the Moroccan Government.

6. The lack of clarity in voluntary contribution arrangements presents a risk that the United Nations may be charged later on for services provided.

7. The audit team recommended that the Field Administration and Logistics Division of the Department of Peace-Keeping Operations immediately seek clear written arrangements for the voluntary contributions from Morocco, Algeria and the Frente POLISARIO.

2. Follow-up

8. In response to the recommendation, the Field Administration and Logistics Division confirmed written agreements with Morocco and Algeria. However, the agreements referred only to the lots and premises necessary for carrying out of the functions of MINURSO and the lodging of its members and to transport and communication facilities. The agreements on the provision of other facilities remained to be clarified.

B. Opportunity for improvement in the cashier's office

1. Finding and recommendation

9. While the security and other arrangements in place were found generally to be adequate for the amount of cash involved, further security precautions needed to be taken to ensure the integrity of the cashier's office in terms of theft, especially if it became necessary to maintain large sums of cash, and to improve control over cheques.

10. The MINURSO administration agreed with the observations and recommendations and initiated immediate action:

(a) To install iron bars across the window slot between the Finance Section and the cashier's office;

(b) To install a sound alarm system to protect against forced entry;

(c) To maintain exterior lighting around the cashier's office and to fix outages promptly;

(d) To maintain a register of voided cheques to account for gaps in the issuance of cheques;

(e) To mark clearly all voided cheques and cheque stubs "VOID" and attach voided cheques to respective cheque stubs.

2. Follow-up

11. During the follow-up, the audit team noted that the security of the cashier's office and the control over cheques had been improved as recommended. However, the sound alarm system was still being tested. The Field Administration and Logistics Division reported that additional steps had been taken to ensure appropriate arrangements for the safeguarding of cash and control over cheques, on a mission-wide basis.

C. Improvements needed in leave records and mission subsistence allowance computations

1. Finding

12. A review of personnel records revealed the following weaknesses in the processing of attendance data for the purpose of mission subsistence allowance computation:

(a) Mission subsistence allowance computations were solely on the basis of submitted leave plans, and not on the basis of attendance records;

(b) Leave plans were not cumulative and were not updated;

(c) Attendance records were not complete and up-to-date.

2. Follow-up

13. The Mission agreed with the observations and reported that immediate remedial action had been taken. During the follow-up, it was noted that the mission subsistence allowance computations were on the basis of attendance records and that past records were being updated.

D. Rest days for local staff improperly converted to cash, accumulated and taken in advance

1. Finding and recommendation

14. The rules and instructions governing the employment of local staff on special service agreement were not adhered to. Specifically, a review of 10 files of locally recruited staff showed improprieties in administering their rest days.

15. The audit team recommended and MINURSO administration agreed that the practice of converting rest days to cash payments, allowing the accumulation of rest days and the granting of rest days in advance should be discontinued.

2. Follow-up

16. The follow-up of the recommendation showed that the cash payments and granting of rest days in advance had been stopped and the carry-forward was allowed for only one month.

E. Excessive compensatory time-off provided to military observers and civilian police officers

1. Finding and recommendation

17. Contrary to guidance by United Nations Headquarters on the granting of compensatory time-off, the audit team found that:

(a) All military staff, including those individuals assigned to MINURSO headquarters in Laayoune, were granted six days of compensatory time-off each month (in Laayoune, the environment cannot be described as "a specially arduous spell of duty", as required for compensatory time-off);

(b) Military observers and civilian police officers were allowed to accumulate compensatory time-off;

(c) Staff were allowed to earn compensatory time-off even when they were on sick leave, annual leave, and compensatory time-off;

(d) Civilian police officers stationed at the team sites in the desert also visited Laayoune for a day or two of rest, and this was treated as official duty.

18. During the period from 1 January to 30 June 1994, in addition to United Nations leave, 8,953 days of compensatory time-off or about 36 days per military observer, were provided in MINURSO. Many observers received more than six days of compensatory time-off per month. Similarly, many civilian police officers also used more than six days of compensatory time-off per month.

19. The audit team recommended that the Field Administration and Logistics Division should promptly issue guidance for the proper use of and control over compensatory time-off.

2. Follow-up

20. During the follow-up audit visit it was noted that instructions had been issued on 10 February 1995 clarifying the entitlement and limiting the carry-forward of compensatory time-off in respect of civilian police officers to one month. The applicability of those instructions to the military observers remained to be clarified and effective controls were to be installed. The follow-up audit team was later informed by the Field Administration and Logistics Division that it was in the process of "evolving consistent set of compensatory time-off policy guidelines for use in all field missions". This should be expedited.

F. Delay of the in-survey of the Republic of Korea Medical Unit

1. Finding

21. As of 28 September 1994, in-survey had not been done in respect of the contingent-owned equipment which had been brought by the Republic of Korea Medical Unit in two shipments - 9 August and 2 September 1994.

2. Follow-up

22. The MINURSO administration reported that after the receipt of the audit observation the Republic of Korea Medical Unit had submitted the first part of the in-survey. Subsequently, the follow-up audit team was informed by the Field Administration and Logistics Division that a complete in-survey had been certified by MINURSO and forwarded to United Nations Headquarters on 28 October 1994. This had also been noted by the team earlier in the follow-up audit.

G. Need to provide more competition for local procurement

1. Finding

23. It was found that bids and quotes for local procurement were sought where possible, but in most cases there was only one vendor in Laayoune that could provide the goods or services needed. Although the Procurement Section had made substantial effort in trying to identify new vendors, competition did not exist in many cases. In such a market it was difficult to ensure that prices were fair and reasonable.

24. The procurement of spare parts for MINURSO's vehicles has not been satisfactory. The Chief Transport Officer told the auditors that unless the spare parts were received soon, a large part of the fleet would have to be taken off the road. The situation was such that spare parts were not generally available locally for MINURSO's vehicles which were mostly manufactured in Japan. There were similar problems in regard to generators and office equipment.

25. The basic cause of the problems was the lack of a competitive procurement infrastructure within the mission area. It was clear that competition could not improve and requisitions would not be satisfied until MINURSO's local procurement area was increased and commercial direct provisioning for vehicle spare parts was provided. The advantages of the direct provisioning system are that it shortens the delivery lead-time, limits stock levels, and reduces procurement costs.

26. The MINURSO administration agreed to follow up with the United Nations Headquarters for approval on the enlargement of the local procurement area to include procurement resources of other missions. It also agreed to raise requisitions to Headquarters for direct provisioning for vehicle spare parts.

2. Follow-up

27. The follow-up audit team was informed that the Field Administration and Logistics Division was in the process of reviewing the need to provide more competition for local procurement. The team subsequently noted that, on 8 February 1995, expansion of the procurement area, to include the procurement offices at UNPROFOR, the United Nations Truce Supervision Organization (UNTSO) and the United Nations Interim Force in Lebanon (UNIFIL), had been approved. Further, arrangement had been made for the direct provisioning from two major producers, Mercedes and Toyota. A similar arrangement with other producers was being pursued by MINURSO. In order to promote timeliness and cost-effectiveness of procurement of the spare parts, this also needed to be settled. In its communication dated 4 May 1995 (see para. 2 above), the Field Administration and Logistics Division reported that "all necessary action in regard to enlarging the local procurement area for the mission has been taken and final authorization has been given, effective 28 March 1995".

H. Scope for improvement in the management of food distribution

1. Finding and recommendation

28. During the visits of the auditors to the ration contractor's warehouse and several team sites, it was found that the food distribution system was adequate. However, several areas, where improvement could be made, were brought to the attention of the MINURSO administration. Particularly, it was observed that all of the Mission's supply of combat rations had exceeded their life expectancy. The audit team, therefore, recommended that the Field Administration and Logistics Division direct MINURSO to procure a new reserve of combat rations and ensure the consumption of existing rations before they became unfit for human consumption.

2. Follow-up

29. In response to the audit observations the MINURSO administration had ensured better storage of food at the contractor's warehouse and provided additional controls over the supply of food. Subsequently, the follow-up team was informed by the Field Administration and Logistics Division that a full report on combat ration stock holdings had been requested from MINURSO with a direction to quantify future requirements, so that a new supply of rations could be provided. This has to be ensured.

I. Operation of a bar by the military component to finance welfare operations

1. Finding and recommendation

30. A Military Welfare Section provides, among other things, entertainment facilities to military observers at team sites. It was noticed that certain

imports to finance the welfare operations did not comply with customs regulations. The audit team recommended that MINURSO define clearly the communal entertainment needs of its military observers stationed at isolated sites in the desert and ensure, with Headquarters approval, that the needs were satisfied. The team also recommended full compliance with the customs regulations in regard to all items imported into the mission area.

2. Follow-up

31. According to the Field Administration and Logistics Division, the MINURSO administration had reported that "instructions to comply with customs regulations are now enforced". That Division later informed the follow-up audit team that MINURSO had not been able to provide the military observers with entertainment equipment and that it would be in a position to make appropriate provision, should welfare funds be made available. The feasibility of making welfare funds available will, therefore, have to be considered.

J. Aircraft requirements not adequately analysed

1. Finding and recommendation

32. On 15 August 1994, the Force Commander sent an air support planning document to the Military Adviser, United Nations Headquarters. The planning document claimed that a detailed study of the situation had been made and possible options for air support evaluated. The auditors were, however, informed that no study was performed other than a mental exercise.

33. Since there was no available analysis of the type of mission that the air fleet was currently used for, the auditors analysed the types of missions flown in August 1994. In order to determine if MINURSO operated the most cost-effective mix of helicopter and fixed-wing aircraft, the auditors determined the number of hours that the current fleet of helicopters was used for surveillance and cargo/passenger movement during August 1994.

34. The planning document recommended a fifth helicopter for MINURSO's air fleet. The audit team found that the air requirements established by the planning document had not been substantiated. Firstly, when the auditors discussed aircraft needs with the Chief Medical Officer, he was of the opinion that Bell helicopters would not be suitable for the Medical Unit. The planning document had been initiated purportedly in part to address the air requirements of the Republic of Korea Medical Unit. Furthermore, according to MINURSO's planning document, 230 hours of helicopter reconnaissance were required monthly. The basis for the requirement was not documented and it was almost twice the number of hours that were flown in August 1994. It was also noted that the current helicopter fleet needed substantial maintenance because it was not particularly well suited for desert operations, especially for landing and take-off on dirt airstrips. Finally, air operations should focus on the political negotiations and the need for the Special Representative of the Secretary-General to fly to Tindouf, Algeria, on short notice. Helicopters are not suitable for this type of mission.

35. The audit team believed that there was inadequate expertise or an unwillingness in the missions to properly analyse their needs and make cost-effective decisions. Although MINURSO was receptive to the team's observations and re-evaluated its needs, the team felt that United Nations Headquarters had to become more involved in validating requirements of all missions and making the final decisions regarding the number and type of aircraft to be used.

36. The audit team recommended that the Field Administration and Logistics Division be adequately staffed to review and validate aircraft requirements, which should be done annually or whenever there were significant changes in a mission's operations.

2. Follow-up

37. While agreeing with the need for Headquarters to become more involved in validating the aircraft requirements of all missions, the Field Administration and Logistics Division stated that "since this recommendation would involve a major policy initiative, and would consequently entail a comprehensive review, we believe it more judicious to reserve our specific comments in this regard, pending the outcome of a complete evaluation". This has to be expedited.

K. Operation by MINURSO of an excessive number of vehicles

1. Finding and recommendation

38. While the audit team recognized the necessity of assigning vehicles to offices and individuals whose nature of duties required extensive use of transport, the ratio of vehicles to staff appeared to be excessive.

39. As of September 1994, MINURSO employed 450 civilian and military personnel, more than half of whom were stationed in Laayoune. MINURSO had about 130 cars/pickups assigned to its various offices in Laayoune (Identification Commission, civilian administration, military and civilian police). Moreover, the audit team noted that for the majority of staff, official transportation in MINURSO headquarters (Laayoune) was arranged between hotels and headquarters (a distance of about three quarters of a mile or slightly more than 1 kilometre) for work and lunch at established hours. This was done by pooling cars and, to some extent, by a shuttle bus. In the team's opinion, the more extensive use of two available 26-seater buses and about 20 minibuses should be considered for local official transportation of staff.

2. Follow-up

40. MINURSO Administration agreed with the recommendation and informed the follow-up audit team that the Vehicle Establishment Committee would re-evaluate operational requirements of each Section and, when warranted, adjust the assignment of vehicles.

41. During the follow-up audit visit, the auditors were informed that the assignment of vehicles would be adjusted with the proposed expansion of the Mission. However, the team was subsequently informed by the Field Administration and Logistics Division that an extraordinary Vehicle Establishment Committee was scheduled to review the existing vehicle allocations and that the Committee would re-evaluate the operational requirements of each section and, if warranted, would appropriately adjust the assignment of vehicles. This has to be done without further delay.

L. Driving at excessive speeds found to be the root cause of accidents and structural damage to MINURSO vehicles

1. Finding and recommendation

42. From the information provided to them by the Chief Transport Officer, the auditors noted that "nearly all damages are caused by speeding over the desert, causing sudden shocks and heavy vibrations throughout the suspension and chassis". It had been necessary to renew shock absorbers twice a month in each vehicle. Further the chassis had been completely exchanged on several Nissan vehicles, as the damage was so extensive, and major overhauls with body removals were common. The Chief Transport Officer added that he "could predict that on a five-year time span, all the vehicles would have suffered extreme metal fatigue, to the point that the vehicle would not be considered as roadworthy, if the vehicles underwent a metal fatigue crack test, and that also if this mission continued, a vehicle exchange plan will have to be implemented".

43. The audit team believed that the conditions set forth above were caused by a lack of discipline within MINURSO's military component. The team recommended, inter alia, that the Force Commander provide clear guidance to all the military observers and that MINURSO immediately explore the possibility of installing electronic trip monitors to record vehicle speeds.

2. Follow-up

44. Subsequently, it came to notice that between October 1992 and January 1995 the Force Commander had issued a number of specific instructions on speed control and safe driving. These instructions need to be strictly enforced and implementation monitored. Further, the possibility of installing electronic trip monitors should be expeditiously explored.